

Application No. 10/728,857 (Cardno)  
Reply to O.A. of Jan 11, 2007

**Remarks**

The present communication responds to the non-final Office Action of January 11, 2007, in which claims 1-14 were rejected under 35 U.S.C 101 for being directed to non-statutory subject matter. Claims 1-14 were also rejected under 35 U.S.C 102(b) as being anticipated by Wong (US 6,343,275).

By this communication, Applicant has amended parts of the specification to correct minor errors, without the addition of new matter.

Applicant has amended claim 1 and 8 without adding new matter. In particular, Applicant has amended claim 1 and 8 to emphasize the interrelations between the various elements of the invention permitting the invention's functionality to be realized, and distinguish the invention over any prior art.

In view of the amendments and the following remarks, reconsideration is requested.

**Claim Rejections under 35 U.S.C §101**

Claims 1-14 were rejected under 35 U.S.C 101 for being directed to non-statutory subject matter. In particular, claims 1 and 8, were rejected because the claims did not adequately define the interrelations that allowed functionality of the data analysis system and method.

Claim 1 has been amended to claim statutory subject matter by the addition of the recital: *'wherein upon said user selecting said part of the spatial representation said data display component superimposes a representation of interactions between customers and merchants associated with said part of the spatial representation selected by the user on said spatial representation whereby said data display presents said interactions between customers and merchants to a user in such a manner to facilitate a business*

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*decision.*' This amendment emphasizes the functional interrelation between the features of claim 1.

With regard to claim 8, Applicant submits that the claim refers to a method of data analysis, not a data structure (or computer program) as suggested by the Office Action. Notwithstanding this, Applicant has amended claim 8 to clarify the functional interrelation between the steps, by the addition of the recital *'wherein upon said user selecting said part of the spatial representation a representation of interactions between customers and merchants associated with said part of the spatial representation selected by the user is superimposed on said spatial representation whereby said representation of interactions between customers and merchants is presented to a user in such a manner to facilitate a business decision.'*

By these amendments, Applicant respectfully submits that claims 1 and 8 are directed towards statutory subject matter and requests that the rejection to claims 1 and 8 and their dependent claims are withdrawn.

In light of this response and these amendments, Applicant requests that the rejections under §101 be reconsidered and withdrawn. If the rejections are maintained, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the undersigned can place this application in allowable condition without the need for further amendments.

**Claim Rejections under 35 U.S.C §102**

Claims 1-14 were rejected under 35 U.S.C §102 as being anticipated by Wong (US 6,343,275).

Claim 1 and 8 have been amended to further distinguish the invention over any prior art. Applicant respectfully submits that Wong does not teach the claimed invention as amended.

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Wong discloses a business-to-business e-commerce system which manages business records and implements the administration of the business through a website connected to a centralized database. The invention has various functions, such as: managing quotes, ordering, adding installation instructions, managing returns, generating financial reports, and productivity monitoring (see Wong abstract; column 4 lines 8-22 for example).

Applicant's amended claim 1 recites:

*"A data analysis system comprising:...*

*...a spatial display component configured to display a graphical spatial representation of at least part of the commercial premises of a merchant;...*

*...a contour generator configured to generate and superimpose a representation of the data values on the spatial representation;*

*a user selection component configured to enable a user to select part of the spatial representation; and*

*a data display component configured to superimpose a representation of interactions between customers and merchants associated with the part of the spatial representation selected by the user;*

*wherein upon said user selecting said part of the spatial representation said data display component superimposes a representation of interactions between customers and merchants associated with said part of the spatial representation selected by the user on said spatial representation whereby said data display presents said interactions between customers and merchants to a user in such a manner to facilitate a business decision.*

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Applicant's amended claim 8 recites analogous limitations drafted as a method claim.

Re claim 1, the Office Action cites Wong as disclosing "a spatial display component configured to display a graphical spatial representation of at least part of the commercial premises of a merchant" (Figures 4 and 5). Figures 4 and 5 show images of a web browser displaying a form interface for inputting search criteria for products (Figure 4) the results of such a search (Figure 5). While these could be described as a "display component," they do not show a graphic spatial representation of at least part of the commercial premises of a merchant i.e. there is no planogram or similar display showing a spatial representation of physical commercial premises, or indeed any suggestion of where the products being displayed might be located in a commercial premises. The only way that Figures 4 and 5 could be regarded as a representation of commercial premises, is if a web-site is considered to be a "commercial premises" for the purpose of the disclosure, which the Applicant respectfully submits is not a tenable analogy, since a web-site is a non-spatial entity.

The Office Action cites Figure 113 as a "contour generator" in the rejections of claims 1, 6, 7, 8, 13, and 14. Figure 113 shows a simple line graph of "Cash in Bank" and "Trade Accounts Payable" plotted over time, for the purpose of analyzing the interrelation between various financial accounts over time. Contours are defined as curved or straight lines on a map describing the intersection of a real or hypothetical surface with one or more horizontal planes. Line graphs are not contours and are not conceptually close to contours. Other graphing options are displayed below the graph,

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including column, area and pie charts, but neither of these options generate contours or anything conceptually close to contours.

In the rejection of claims 2, and 9, the Office Action cites that Figure 113 discloses a "spatial representation corresponding to the spatial position of products within the commercial premises of a merchant". Figure 113 is a trend graph for analyzing financial account data over time and does not disclose a spatial representation corresponding to the spatial position of products within the commercial premises of a merchant i.e. there is no planogram or similar display showing a spatial representation of physical commercial premises, or indeed any suggestion of where the products being displayed might be located in a commercial premises (see previous discussion above).

In the rejection of claims 6, and 13, the Office Action cites that Figure 113 shows a contoured representation of one or more of the data values "centered on respective data points, such that one or more of the data points is displayed as a local maximum." Firstly, the line graph shown on Figure 113 and other graph options disclosed in Wong do not display data as contours centered on a data point, but instead plot the data on a horizontal timeline representing consecutive time values. Further, Applicant submits that the graph in Figure 113 and other graph options cannot display all the data points as local maximum values, otherwise the trend line would remain constant, which makes the trend analysis meaningless, and therefore non-functional.

In the rejection of claim and 7 and 14, the Office Action cites that Figure 113 displays "data points corresponding to the data values and one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data values of the data point around which the contour line is displayed."

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Figure 113 does not disclose contour lines for the reasons discussed above, and there is no disclosure in Wong for displaying contour lines that represent lesser data values surrounding the original contour lines representing greater data values, nor is it suggested anywhere in the specification. If the Examiner believes that Wong does disclose generating and displaying contour lines around one or more of the data points, each contour line(s) representing data values that are less than the data point around which the contour line is displayed, then Applicant respectfully requests the Examiner point to the portions in Wong wherein the same is disclosed.

In rejecting claims 4 and 11 the Office Action cites column 39 lines 5-10 of Wong which teaches generating financial trend reports with accounting information stored in the e-commerce website database. There is no mention of the user selecting particular products for graphical display in this section. Figure 113 assists in the analysis of trend data between financial accounts over time as discussed above, and does not display data associated with a product selected by a user on a spatial representation of a commercial premises. Similarly, Figure 112 shows a screen in which raw trend data for invoices is displayed to a user and gives various options for using that raw data. There is no discussion of this data being associated with products selected by a user.

The Office Action also cites column 39 lines 10-16 in the rejection of claims 3, 5, 8, 10, and 12. In these cases, this citation is not relevant for the same reason as discussed in the previous paragraphs.

In rejecting claims 1 and 8, the Office Action also claims that Wong uses "a data display component configured to superimpose a representation of interactions between customers and merchants associated with the part of the spatial representation selected by

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the user (see Figure 94 for example). Figure 94 in fact shows a dialog box requesting start and end dates for a search superimposed over the top of a list of invoices and associated data. In particular, Figure 94 is an illustration of an Add Invoices screen display having superimposed thereon a dialogue window used to enter the period for a freight bill. The dialog box does not represent interactions between customers, rather, it prompts a user for selection criteria for finding a non-graphically represented collection of interactions (a list of invoices). Furthermore, no data is being displayed associated with a spatial representation selected by the user: there is no planogram or other spatial representation of part of a business location shown in Figure 94.

Each of the remaining dependent claims incorporates all the limitations from the independent Claims 1 and 8 respectively, and are therefore not disclosed or made obvious in view of Wong, for the reasons outlined above. Reconsideration and withdrawal of the rejections are respectfully requested.

#### Conclusion

For the above reasons, the Applicant submits that the specification and claims are now in proper form, and that the claims all define patentability over the prior art, for at least the reasons set forth above. Therefore we submit that this application is now in condition for allowance, which action we respectfully solicit.

#### Conditional Request for Constructive Assistance

Applicants have amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner

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pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Petition for Extension of Time

A Petition for Extension of Time for one (1) month has been filed herewith, with the Credit Card form, duly authorized for payment of the \$60.00 fee (Small Entity status claimed).

Respectfully submitted,

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**Certificate of Facsimile Transmission**

I certify that on the date below I will fax this communication, and any attachments, if any, to Group Art Unit 2174 of the Patent and Trademark Office at +1 571 273 8300.

Date: *May 2, 2007*

Applicant's Signature: 